

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of

1. 2001 McCabe Road
Holtville, CA 92250

APPLICATION AND AFFIDAVIT

SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

CASE NUMBER:

'06 MJ 1973

I, Don E. Webster, being duly sworn depose and say:

I am a Senior Special Agent, Immigration and Customs Enforcement, and I have reason to believe that property or premises known as:

See Attachments "A" and "A-1"

in the Southern District of California there is now concealed a certain person or property, namely,

See Attachment "B"

which is: property that constitutes evidence of the commission of criminal offenses, contraband, fruits of crimes, things otherwise criminally possessed, and property designed, and intended for use

concerning violations of 8 U.S.C. §§ 1324 (a)(2)(B)(ii); 1324 (a)(1)(A)(iii) and (v)(I); 1324 (a)(2)(B)(ii); 1324 (a)(1)(A)(ii) and (v)(II); and 1324 (a)(1)(A)(iii) and (v)(II).

The facts support a finding of Probable Cause are as follows:

See attached Affidavit of Don E. Webster, Senior Special Agent, Immigration and Customs Enforcement, which is attached and incorporated herein by reference.

Continued on the attached sheet and made a part thereof. ☒ Yes ☐ No

Don E. Webster
Signature of Affiant

Sworn to before me, and subscribed in my presence

10/24/06 at SAN Diego, CA
Date City and State

Cathy Ann Bencivengo
Name and Title of Judicial Officer

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

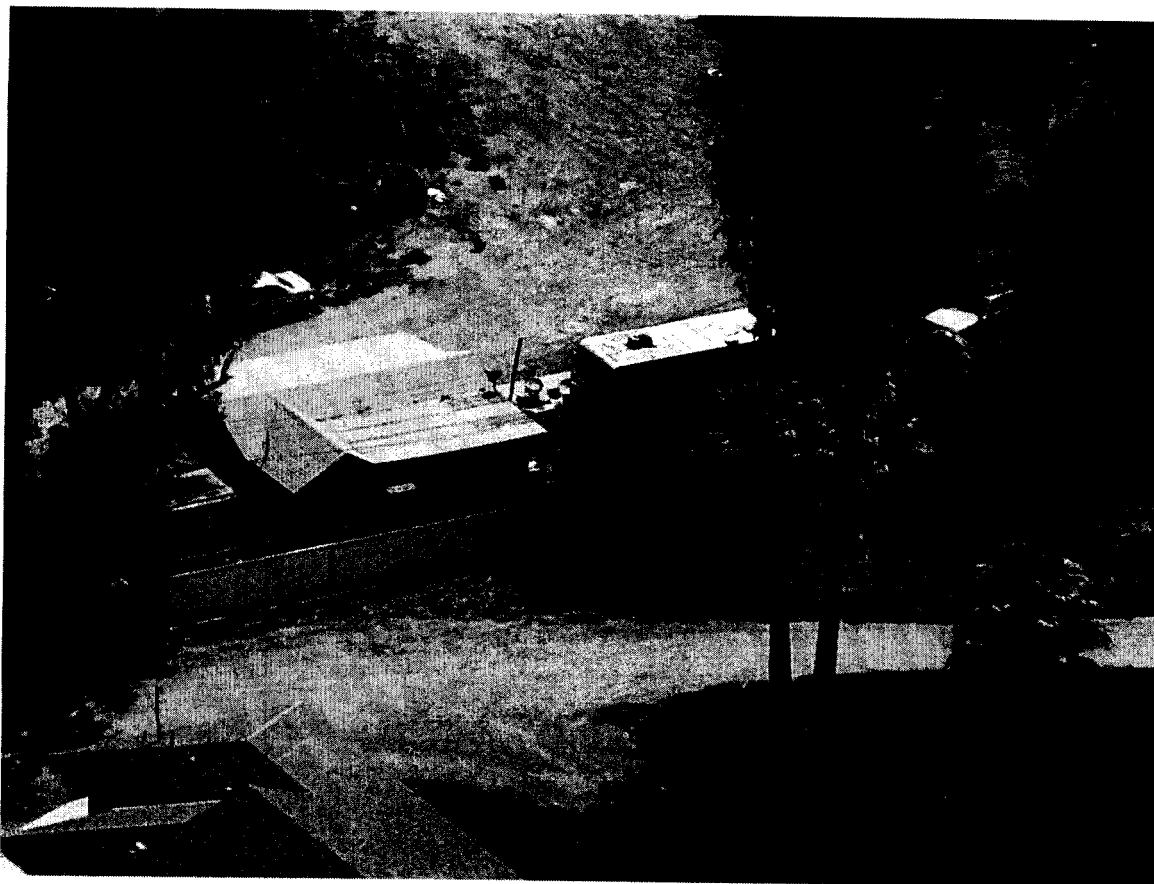
Cathy Ann Bencivengo
Signature of Judicial Officer

ATTACHMENT A

1. The target property, 2001 McCabe road, Holtville, CA, 92250, is legally described as PAR B LS 10-66 LY IN LOT 3 SEC 19 T16S R16E 32.65 AC. It consists of two single story tan stucco rectangular structures and two older singlewide trailers with wooden awnings. The four residences to be searched are located on the northern portion of the property with immediate gated access to the intersection of Towland Road and McCabe Road and are described as follows;
2.
 - (i) Administrative house consists of a small single story tan stucco residence occupied by the Principal of this investigation, Alberto Noriega-Perez.
 - (ii) Load house consists of a medium sized single story tan stucco residence that was split into two apartments. Alfredo Garcia-Ortega, his wife and three children, occupy the eastern portion of the residence. The western portion is utilized to conceal undocumented aliens.
 - (iii) Administrative house is located twenty feet south of (ii) Load house. It is an older light blue aluminum sided singlewide trailer with a wooden awning over the porch.
 - (iv) Administrative house sits immediately east of (iii) Administrative house. It is an older pink aluminum sided singlewide trailer with a wooden awning over the porch. (See photos in Attachment A-1)
3. The 32.65-acre rural property is fenced in on the north, west and southern boundaries with an eight-foot chain link fence. It also has several trees and bushes along the fence that limit views inside the property. There are two gates into the property, one at the northwest corner and one to the south on the western end of the property. The property has agricultural lands to the north, west and south. The Alamo River borders the east side. One other non-related residence is located just north of the property on Towland road.

Attachment "A-1"

Photo of Administrative House (i)



Description of photo

Alberto Noriega-Perez occupies Administrative House (i).

Photo of Load House (ii), and Administrative Houses (iii) and (iv)



Description of photo

Load house (ii) is the house at the top right side of the photo.
Administrative house (iii) is the trailer at the top of the photo.
Administrative house (iv) is the trailer at the bottom of the photo.

ATTACHMENT B

1. Evidence of fraudulent documentation; passports and U.S. Government documentation evidencing alienage; correspondence, domestic and foreign, evidencing alien-smuggling arrangements; airline/airfare tickets; names of arrangers of alien smuggling; lists containing names of smuggled aliens along with their destination and fees paid or to be paid; registrations and vehicles and titles of vehicles used in the smuggling and transporting of illegal aliens; financial records and bank statements recording the receipt of money from smuggling, cellular telephones and chargers, telephone tolls of calls, documents and receipts evidencing temporary lodging of illegal aliens; documents showing possession, dominion, and/or control of said premises, including canceled mail, keys, rent receipts, utility bills, deeds, leases and photographs; property of smuggled aliens in the form of wallets, purses, suitcases, tote bags, and clothing; checks, money-orders, and money order receipts as well as U.S. and foreign currency.

2. Documents and articles of personal property evidencing the possession, distribution, sale and manufacture of counterfeit U.S. documents, including: ledgers, customer lists, records of counterfeit or genuine document sales, telephone/address books or notebooks containing the names of individuals who have purchased or wish to purchase counterfeit or genuine immigrant documents.

3. Cash or checks or other monetary instruments obtained from the sale of counterfeit or genuine immigration documents, only to the extent that there are actual receipts or proof that the funds are from these illegal activities. Bank accounting, or other financial records which are records of earning or payments relating to the sale of the counterfeit or genuine immigration documents.

4. Counterfeit, genuine or altered immigration or social security documents including counterfeit, genuine or altered Alien Registration Receipts cards including, but not limited to Forms I-551, I-151, I-586, I-186, I-688, I-688A, I-688B and I-94; counterfeit, genuine or altered social security cards; as well as documents and identifications from individual States of the U.S. or other Countries.

5. Gravesites, bodies or evidence of recently removed bodies such as freshly disturbed soil and dirt mounds or holes in the ground of a size and shape that could accomodate a body.

All of the property in #1-5 is evidence of offenses in violation of Title 8, United States Code, Section (s) 1324 (a)(2)(B)(ii); 1324 (a)(1)(A)(iii) and (v)(I); 1324 (a)(2)(B)(ii); 1324 (a)(1)(A)(ii) and (v)(II); and 1324 (a)(1)(A)(iii) and (v)(II).

AFFIDAVIT IN SUPPORT OF APPLICATIONS

I, Don E. Webster, Senior Special Agent, Immigration and Customs Enforcement (ICE), being duly sworn, hereby depose and state:

A. Purpose of This Affidavit

1. This affidavit is submitted in support of application for the issuance of a search warrant for the following premise which is owned and frequented by Alberto Noriega-Perez: (1) a single-family residence at 2001 McCabe Road, Holtville, California 92250 (more fully described in Attachment A (i), incorporated herein by reference); (2) a single-family residence at 2001 McCabe Road, Holtville, California 92250 (more fully described in Attachment A (ii), incorporated herein by reference); (3) an older single wide trailer at 2001 McCabe Road, Holtville, California 92250 (more fully described in Attachment A (iii), incorporated herein by reference); and (4) an older single wide trailer at 2001 McCabe Road, Holtville, California 92250 (more fully described in Attachment A(iv), incorporated herein by reference) .

2. This search is to include all rooms, storage areas, closets, briefcases, safes, garages, outbuildings, and appurtenances assigned to or part of the above described premisses.

3 A description of items to be seized is set forth in Attachment B, incorporated herein by reference. Because the purpose of this affidavit is merely to provide probable cause for the issuance of search warrants, it does not contain all information developed in connection with the investigation described herein.

4. Based on the facts set forth herein, I submit there is probable cause to believe that Alberto Noriega-Perez has committed the following offenses: (a) Conspiracy to Bring in Illegal Aliens for Financial Gain in violation of 8 U.S.C. § 1324(a)(2)(B)(iii); (b) Conspiracy to Harbor Illegal Aliens in violation of 8 U.S.C. § 1324(a)(2)(B)(ii); (c) Bringing in Illegal Aliens for Financial Gain in violation of 8 U.S.C. § 1324(a)(1)(A)(ii); (d) Transportation of illegal aliens in

violation of 8 U.S.C. § 1324 (a)(1)(A)(ii) and (v)(II); and (e) Harboring Illegal Aliens in violation of 8 U.S.C. § 1324 (a)(1)(A)(iii). Alberto Noriega-Perez was indicted for all of the above listed crimes on October 18, 2006 on a Secret Indictment that remains sealed. Along with the Secret Indictment, a Secret Arrest Warrant was issued for Alberto Noriega-Perez on October 18, 2006. The Indictment and Warrant remain sealed at this time and the warrant applied for with this Affidavit, if issued, will be executed in conjunction with Alberto Noriega-Perez' arrest.

5. The information set forth below is based upon my personal observations, my conversations with other law enforcement personnel, my review of reports prepared by myself or other law enforcement personnel, and conversations with other witnesses.

B. Glossary

6. The terms set forth below are widely utilized by law enforcement officers when referring to the duties and/or roles of alien smuggling conspirators and operational sites:

a. Sponsors. The relatives, friends, or prospective employers of smuggled aliens who aid by paying the smuggling fees (such a transaction is hereinafter referred to as a "buy-out").

b. Load houses. Premises utilized to harbor and conceal undocumented aliens while awaiting further transportation north and/or pending delivery within the United States.

c. Administrative houses. Premises utilized to keep accounting/bookkeeping records of smuggling activities and arrange for such activities via telephone.

d. Scout vehicles. Vehicles utilized to detect law enforcement presence along the smuggling routes within the operational corridor.

e. Load vehicles. Vehicles utilized to transport undocumented aliens further north within the operational corridor.

f. Counter-Surveillance. A technique employed by smugglers to detect and/or evade law enforcement surveillance.

C. Training and Experience

7. I am a Senior Special Agent (SSA) with United States Immigration and Customs Enforcement since September 2001. Prior to that, I was a Supervisory Border Patrol Agent in El Centro, California since January 1989. I am currently assigned to the Calexico, California Office of Investigations Human Trafficking Group. The Human Trafficking Group is tasked with investigating, arresting, and prosecuting alien smuggling organizations that utilize the Southern District of California as an operational corridor. These investigations are complex criminal investigations of mid- to high-level criminal smuggling organizations.

8. During my career, I have assisted in the targeting of multiple smuggling organizations, which resulted in the issuance of arrest warrants, search warrants, seizure warrants and the indictments/convictions of persons for alien smuggling. These persons include drivers, recruiters, arrangers, document providers, and top-level managers

9. In the course of my duties, I investigate and prepare for prosecution cases against persons involved in the inducement of illegal entry of undocumented aliens into the United States; the smuggling of undocumented aliens into the United States; the transportation and harboring of undocumented aliens within the United States; and the utilization of illegally-obtained, counterfeit, altered or genuine immigration documents by undocumented aliens to illegally gain entry or remain in the United States.

10. It is my experience, and the experience of many law enforcement officers with whom I have worked and conversed, that a conspiracy to smuggle aliens, and the smuggling of aliens, generates many types of evidence. Examples include passports, altered or fraudulent

identification and immigration documents, various forms of United States Government documentation relating to alienage; travel documents; foreign and domestic correspondence relating to alien smuggling arrangements; airline/airfare tickets; lists containing names of associates and arrangers; lists containing names of smuggled aliens along with their destinations and fees paid or to be paid; vehicle registrations of vehicles used in the smuggling and transporting of illegal aliens; financial records; bank statements; telephone records and bills; documents and receipts relating to evidence of temporary lodging of illegal aliens; documents indicating possession, dominion, and/or control of premises; property of smuggled aliens in the form of wallets, purses, suitcases, tote bags, and clothing; utility bills; money orders and money order receipts.

11. It is also my experience, and the experience of many law enforcement officers with whom I have worked and conversed, that a conspiracy to smuggle aliens, and the smuggling of aliens, can be very dangerous to the aliens being smuggled. Specifically, aliens are often walked through the mountains and desert areas in extreme heat and desolate conditions. Many of the aliens being smuggled are pregnant women, the elderly and children who are vulnerable to these types of conditions. Often times the aliens can get sick, weak and deathly ill on their journey. If this occurs they are often abandoned en route and left alone to die. If the aliens make it to the load house they may die there and the alien smugglers must then dispose of the bodies so that their smuggling operation is not discovered. As a result, bodies may be buried on or near the property of the load house that alien smugglers use to transport aliens.

D. Glossary

12. The terms set forth below are widely utilized by law enforcement officers when referring to the duties and/or roles of alien smuggling conspirators and operational sites:

a. Sponsors. The relatives, friends, or prospective employers of smuggled aliens who aid by paying the smuggling fees (such a transaction is hereinafter referred to as a "buy-out").

b. Load houses. Premises utilized to harbor and conceal undocumented aliens while awaiting further transportation north and/or pending delivery within the United States.

c. Administrative houses. Premises utilized to keep accounting/bookkeeping records of smuggling activities and arrange for such activities via telephone. These residences are also utilized by key transportation managers for lodging between their movements of aliens.

E. Summary of Investigation

13. In 2003, the USBP Anti-Smuggling Unit (ASU) began investigating an alien smuggling organization that arranges transportation and harboring for undocumented aliens in Imperial County. As described herein, the investigation has revealed that undocumented aliens are transported to load houses near Holtville, and then north to Los Angeles, California. Arrangements are then made for the delivery of the undocumented aliens to their sponsors after payment of the smuggling fee. As described herein, the investigation has identified: (1) a current administrative house for the organization located at 2001 McCabe Road, Holtville, California; (2) a current load house at 2001 McCabe Road, Holtville, California; (3) an administrative house that is an older single wide trailer at 2001 McCabe Road, Holtville, California 92250; and (4) an administrative house that is an older single wide trailer at 2001 McCabe Road, Holtville, California 92250.

14. Described below is a series of events including apprehensions, arrests, surveillance, and witness statements. Based on these events and information, there is probable cause to believe that members of the alien smuggling organization are involved in a conspiracy

to conceal and transport illegal aliens, and to bring illegal aliens into the United States, in violation of 8 U.S.C. § 1324.

15. On January 23, 2003, Special Agents from the Anti-Smuggling Unit (ASU) in El Centro, CA apprehended eighteen undocumented aliens at 2001 E. McCabe Road, Holtville, CA. The aliens were located in a house referred to in Attachment A (ii). At that time, Agents learned that Alberto Noriega-Perez owned the property and maintained a residence in the house identified in Attachment A (I).

16. On February 19, 2003, Special Agents returned to 2001 E. McCabe Road, Holtville, California and apprehended an additional six undocumented aliens in the house identified in Attachment A (ii).

17. On May 07, 2003, ASU Special Agent Webster received a phone call from an individual (hereinafter "CI-1"), stating that several aliens had been placed in a converted garage located at 1621 Alamo Road, Holtville, California. The caller also stated that the undocumented aliens would be transported into the interior of the United States in a tractor-trailer. Special Agents responded to the residence and began surveillance on May 07, 2003 at approximately 6:30 p.m. Agents continuously monitored the residence and observed several subjects being removed from the residence and placed into a red tractor-trailer.

a. ASU agents followed the tractor-trailer to the U.S. Border Patrol checkpoint near Niland, California where it was inspected with the consent of the driver. Border Patrol Agents at the checkpoint located fourteen undocumented aliens concealed inside the refrigerated trailer. The driver and passenger were arrested and processed for prosecution in violation of Title 8 USC 1324 (transportation of illegal aliens). Subsequent investigation revealed that Alberto Noriega-Perez was the owner of the property at 1621 Alamo Road, Holtville, California.

18. On October 31, 2004, Elvis Campos-Pantoja was arrested by Border Patrol El Centro at a local motel with three illegal aliens from Mexico. On November 11, 2004, Agent Webster identified Campos' truck as a Ford F-250 with California license plates 4W67337. Agent Webster observed the truck coming in and out of the property located at 2001 McCabe Road, Holtville, California. On December 12, 2004, a check with the Imperial Irrigation District revealed that Elvis Campos was paying the electric bill at 2001 Mc Cabe Road, Holtville, California.

19. On January 23, 2005, at approximately 6:00 p.m., Calexico Border Patrol Agents apprehended a smuggling event due to a lookout from Border Patrol Yuma, Arizona. A truck registered to Elvis CAMPOS-Pantoja, described as a 1994 black Ford F-250 with California license plates 4W67337, had a tarp covering several persons in the bed. The truck was being driven west on Interstate 8 into California. Agents stopped the truck and apprehended ten illegal aliens from Mexico. No driver was identified.

20. On January 27, 2005, Calexico Border Patrol Agents apprehended a tandem load on Interstate 8 with 2 drivers/principals and nine undocumented aliens. One of the drivers took Supervisory Border Patrol Agent Nelson Atilas to 2001 McCabe Road and told him that he was taking the aliens to this property. At the same time, a Custom's helicopter was filming surveillance footage of the property. The surveillance footage showed several persons concealed under one of the awnings attached to an administrative house, further identified in Attachment A (iv). Several vehicles were around the house and one subject was observed taking what appeared to be food from the trunk of a sedan and giving it to the people.

21. On February 27, 2005, Calexico Border Patrol agents assisted the local Sheriff's office during a disturbance at 2001 Mc Cabe Road. Agents located and apprehended eighteen undocumented aliens in the load house identified in Attachment A (ii). Elvis Campos was

located in an administrative house identified in Attachment A (iii). Two stolen vehicles were also recovered from inside the McCabe property. During this event, Campos was driving a white Ford Expedition bearing California license plates 5LEN094 registered to Martin Pantoja. This vehicle has been seen several times at 1621 Alamo Road and 2001 McCabe Road, Holtville, California.

22. On March 16, 2005, Immigration and Customs Enforcement agents, (ICE) were observing the property at 1621 Alamo Road, Holtville, California. Agents watched as several subjects were removed from the converted garage on Noriega's property and placed into the bed and extended cab portion of a pickup described as a 1995 blue Chevrolet 1500 Pickup, California license plates 4E21107. The vehicle was stopped and eighteen illegal aliens were apprehended. Prosecution case US v Jose LOPEZ-Hernandez in the Southern District of California.

23. On May 5, 2005, at approximately 12:15 p.m. a vehicle departed from 1621 Alamo Road, Holtville, California. Border Patrol Agents attempted to stop the vehicle, which resulted in a failure to yield. Agents finally were able to stop the vehicle after a lengthy pursuit cross country through the desert. A driver and passenger were the only occupants. During interviews, it was determined that the passenger was Rogelio PEREZ-Bravo, a sixteen-year-old citizen of Mexico. PEREZ admitted to Special Agent Paul Lewenthal that he and the driver were going to pick up illegal aliens. PEREZ further admitted that he was the nephew of Alberto Noriega-Perez. Record checks show that Rogelio PEREZ was apprehended at 2001 McCabe Road on February 21, 2005.

24. On July 21, 2005, at approximately 2:06 a.m., Calexico Border Patrol apprehended a driver and nine illegal aliens near Ogilby Road and Interstate 8. One of the aliens apprehended was Rogelio PEREZ-Bravo. The vehicle utilized was a 1993 Red GMC Z-71,

California license plate 4U65812. This vehicle was seen at 2001 McCabe Road, Holtville, California prior to the apprehension.

25. On August 29, 2005, Agent Webster met with an individual (hereinafter "CI-2") that provided information regarding the property located at 2001 McCabe Road, Holtville, California. CI-2 stated that Alberto Noriega owned the property and has been present when several aliens and marijuana loads were staged at the property. CI-2 stated that Alberto Noriega knowingly rents out his properties to smugglers for \$1,500 per month to facilitate the movement of aliens and marijuana. Furthermore, CI-2 stated that several key drivers working for the "Perfino" organization stay at the property.

26. On September 4, 2005, ICE agents received information from an individual (hereinafter "CI-3") that at least sixty illegal aliens were at the property located at 2001 McCabe Road, Holtville, California. Agents began surveillance of the property and Agent Webster observed a white Ford F-150 extended cab enter the property at approximately 6:36 p.m. Thirteen minutes later the same F-150 left the property with at least three persons sitting in the front seat. ICE agents followed the vehicle until a Custom and Border Protection helicopter arrived and the pilot was able to see that a tarp was covering several persons in the bed of the truck. ICE agents attempted to stop the F-150 but the driver failed to yield and fled at a high rate of speed. ICE agents pursued the F-150 for more than sixty miles before the driver crashed into a large brush pile in the middle of the Chocolate Mountains gunnery range east of Niland, California. The driver fled and evaded apprehension. ICE agents were able to apprehend seventeen undocumented aliens from Mexico.

a. Special Agent Lewenthal interviewed the seventeen aliens and learned that they had been at a ranch for one day during which time they had observed up to eighty other illegal aliens coming and going from the house where they were kept. One person interviewed

stated that when they arrived at the ranch house, a person asked them who brought them and then wrote down their names into a book. A witness stated that on the afternoon of September 4, 2005, the driver of the white truck was bringing her to the ranch and the driver called a person named "El Jefe". The driver requested that "Perro" move his truck because he was en route to load up with aliens at the ranch. The witness also stated that when they arrived at the ranch, several other illegal aliens were placed into the cab and bed area of the white pickup.

27. On October 11, 2005, Special Agent Webster obtained a search warrant for the property located at 2001 E. McCabe Road, Holtville, California (more specifically described in Attachments "A" and "A-1". ICE Special Agents served the warrant and seventy-two (72) undocumented aliens were apprehended at the property on that date along with an individual named Oscar Guadalupe Casteneda-Rocha who was prosecuted as the caretaker of the property pursuant to 8 U.S.C. § 1324 and was sentenced to three years for harboring illegal aliens.

28. On October 17, 2005, CI-4 met with Alberto Noriega-Perez in Calexico, California. CI-4 recorded a conversation where Alberto Noriega-Perez offered to rent the property he owns at 1620 E. Alamo Road in Holtville, California to the Perfino Smuggling organization for use in its alien smuggling activities. In the recorded conversation Alberto Noriega-Perez stated that he had rented the property to people with in the Perfino Smuggling organization and that they had made a lot of money from their use of the property to harbor the loads of aliens being brought across the border. He stated that sixty or more people could be held in the garage of the property.

29. At the time of the October 11, 2005 search of the McCabe property, two dirt mounds that appeared to gravesites were found at the McCabe property. Each mound was approximately 5' long x 3' wide. Another hole was found with the same dimension and

approximately 4' deep. The three apparent gravesites were right next to each other on the eastern edge on the northeast corner of the property described in Exhibits "A" and "A-1".

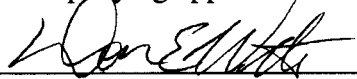
30. At the time of the October 11, 2005 search it was decided not disturb the holes at that time because the investigation into the Perfino smuggling organization was ongoing and agents determined that they wanted to conduct further surveillance of the property.

31. Since the October 11, 2005, I, along with other ICE Agents, have conducted intermittent surveillance of the McCabe Property and the surrounding areas. In addition, at least two Confidential Informants have indicated to Special Agent Lewenthal that in February and March of 2006, additional loads of illegal aliens were brought to the McCabe Property for the purpose of harboring them along their ultimate journey to Los Angeles. As a result of this surveillance, Alberto Noriega-Perez has been seen using the property multiple times in the past year as his residence in Imperial County. He often stays there weeks at a time when he is in the Holtville area. Agents have not entered the property since the October 11, 2005 search was conducted. Now that Alberto Noriega-Perez has been indicted and a warrant issued for his arrest, ICE would like to conduct an additional search of the McCabe Property to investigate what was buried in the dirt mounds observed on October 11, 2005 and search for any additional evidence of the fruits and instrumentalities of the crime of alien smuggling outlined above and more specifically in Attachment "B".

F. Conclusion

32. Based on this affiants's training, experience, and participation in other criminal investigations, and information provided by other federal officers, I believe sufficient probable cause exists to believe that Alberto Noriega is involved with others, known and unknown to him in an alien smuggling conspiracy and further believe that they use the four structures at 2001 McCabe road along with other properties owned by Alberto Noriega.

33. Based on the above-described information and observations, I believe there is probable cause to search the following premises for evidence of violations of 8 U.S.C. § 1324, including all items described in Attachment B: (i) Administrative house, 2001 McCabe Road, Holtville, California; (ii) Load house, 2001 McCabe Road, Holtville, California; (iii) Administrative house, 2001 McCabe Road, Holtville, California; and (iv) Administrative house, 2001 McCabe Road, Holtville, California. It is further requested that this affidavit and the accompanying applications and warrants be sealed due to the ongoing criminal investigation.



Don E. Webster, Special Agent, ASU

Subscribed to and sworn to before me
this 24th day of October 2006.



THE HONORABLE CATHY ANN BENCIVENGO
UNITED STATES MAGISTRATE JUDGE